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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,808	01/29/2004	Richard E. Rowe	IGTIP205/P000899-001	5545
79646                      7590                      09/15/2011 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250				
			EXAMINER PINHEIRO, JASON PAUL	
			ART UNIT 3717	PAPER NUMBER
			NOTIFICATION DATE 09/15/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

# Office Action Summary

**Application No.**

10/767,808

**Applicant(s)**

ROWE ET AL.

**Examiner**

JASON PINHEIRO

**Art Unit**

3717

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1, 2, 4-12, 14-26, 28, 30 and 32-38 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1-2, 4-12, 14-26, 28, 30 and 32-38 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-SB/806)  
Paper No(s)/Mail Date 05/13/2011
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. After the amendment filed on 05/13/2010, Claims 1-2, 4-12, 14-26, 28, 30 and 32-38 were amended, therefore, claims 1-2, 4-12, 14-26, 28, 30 and 32-38 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites the limitation "receive request data relating to a request for a gaming routine suggestion , wherein the request data is associated with the first preference data", the limitation contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-12, 14-26, 28, 30, and 32-38 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Paulsen (US 2002/0142846) in view of Postrel (US 20040097287).

Regarding claims 1, 9, 22 and 33: Paulsen discloses a network server comprising a network server controller, the network server controller comprising a processor and a memory operatively coupled to said processor (paragraph [0015]), said network server controller programmed to: receive preference data relating to preferences of a plurality of players, the preference data including a first preference data for a first player (paragraph [0015]), receive request data relating to a request for a gaming routine suggestion, therein the request data is associated with the first preference (paragraph [0015]), identify the gaming routine in response to the request for the gaming routine suggestion (paragraph [0015] – paragraph [0016]); a gaming apparatus operatively coupled to the network server (paragraph [0011]), the gaming apparatus comprising: a display unit capable of generating video images (paragraph [0011]), a value input device (paragraph [0003]) and a gaming apparatus controller comprising a processor and a memory operatively coupled to the processor (paragraph [0011]), the gaming apparatus controller being programmed to: provide the network server with the request data (paragraph [0011]), receive game selection data relating to the gaming routine (paragraph [0011]), cause the display unit to generate a game

display relating to the gaming routine (paragraph [0011]), determine a value payout associated with an outcome of the gaming routine (paragraph [0004]). However Paulson does not specifically disclose comparing the first preference data with the preference data for said players in the plurality of players; or selecting based on the comparing a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players

Postrel discloses comparing the first preference data with the preference data for said players in the plurality of players (paragraph [0043] – paragraph [0047], players preferences are compared between two players and a game is selected based on the comparison of preferences); and selecting based on the comparing a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players (paragraph [0043] – paragraph [0047], players preferences are compared between two players and a game is selected based on the comparison of preferences).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Postrel into the teachings of Paulsen in order to yield the predictable result of creating more competitive and interesting games, thereby maintaining and/or increasing game playing interest.

Regarding claim 2: Paulsen discloses that which is disclosed above. However, Paulsen does not specifically disclose that the network server is further

programmed to provide said gaming routine responsive to the receipt of game selection data by the gaming apparatus.

Postrel discloses providing said gaming routine responsive to the receipt of game selection data by the gaming apparatus. (paragraph [0043]—paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Postrel into the teachings of Paulsen in order to yield the predictable result of creating more competitive and interesting games, thereby maintaining and/or increasing game playing interest.

Regarding claims 4 and 15: Paulsen discloses that which is disclosed above. Paulsen further discloses that the second player preferences comprise preferences of said demographic of said second player (paragraph [0012]).

Regarding claims 5, 16, 30 and 36: Paulsen discloses that which is disclosed above. Paulsen further discloses that the network server controller is further programmed to select the gaming routine by comparing a gaming routine previously played by the first player to the plurality of different available gaming routines (paragraph [0011]); and selecting said previously played game from said available games (paragraph [0011], paragraph [0043]).

Regarding claims 6, 17 and 37: Paulsen discloses that which is disclosed above. Paulsen further discloses that the network server controller is programmed to provide previous game data relating to the first player regarding the gaming routine to the gaming apparatus (paragraph [0011]), wherein the

gaming apparatus controller is further programmed to cause the display unit to generate a game display relating to the previous game data (paragraph [0011]).

Regarding claims 7 and 18: Paulsen discloses that which is disclosed above. Paulsen further discloses that the gaming apparatus controller is programmed to provide the network server controller with a player identification (paragraph [0067]), and wherein the network server controller is further programmed to receive player profile data relating to a player profile associated with the player identification, the player profile data comprising the first preferences data (paragraph [0011] – paragraph [0012]).

Regarding claim 8: Paulsen discloses that which is disclosed above. Paulsen further discloses that the network server controller is further programmed to select a game characteristic from a plurality of game characteristics based upon the first preference data (paragraph [0011]), wherein the gaming apparatus controller is further programmed to cause the display unit to generate a game characteristic selection display relating to the game characteristic (paragraph [0033]), the gaming characteristic selection display configured to allow for selection of a first game characteristic option from a plurality of game characteristics options for the game characteristic (paragraph [0033]); wherein the gaming apparatus controller is further programmed to implement the game characteristic according to the first game characteristic option in the gaming routine game (paragraph [0011]).

Regarding claim 10: Paulsen discloses that which is disclosed above.

Paulsen further discloses that said display unit comprises a video display unit that is capable of generating video images (paragraph [0013]). However, Paulsen does not specifically disclose receiving an input indicating selection of the gaming routine via the game selection display; or causing the display unit to generate a game display of the gaming routine.

Postrel discloses receiving an input indicating selection of the gaming routine via the game selection display (paragraph [0036] – paragraph [0037]); and causing the display unit to generate a game display of the gaming routine (paragraph [0036] – paragraph [0037]).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Postrel into the teachings of Paulsen in order to yield the predictable result of creating more competitive and interesting games, thereby maintaining and/or increasing game playing interest.

Regarding claim 11: Paulsen discloses that which is disclosed above.

Paulsen further discloses that the controller is further programmed to cause a video image comprising an image of at least five playing cards to be displayed if the game display comprises video poker, wherein the controller is further programmed to cause a video image comprising an image of a plurality of simulated slot machine reels to be displayed if the game display comprises video slots, wherein the controller is further programmed to cause a video image comprising an image of a plurality of playing cards to be displayed if the game



display comprises video blackjack, wherein the controller is further programmed to cause a video image comprising an image of a plurality of keno numbers to be displayed if the game display comprises video keno, the controller is further programmed to cause a video image comprising an image of a bingo grid to be displayed if the game display comprises video bingo (paragraph [0013]).

Regarding claim 12: Paulsen discloses that which is disclosed above. Paulsen further discloses that the display unit comprises at least one mechanical slot machine reel (paragraph [0090]).

Regarding claim 14: Paulsen discloses that which is disclosed above. However, Paulsen does not disclose that said network server controller is further programmed to select an available game by comparing the first player preferences to preferences of the second player of the second player type and selecting a game associated with the second player.

Postrel discloses selecting a game associated with said second player (paragraph [0043] – paragraph [0047], players preferences are compared between two players and a game is selected based on the comparison of preferences).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Postrel into the teachings of Paulsen in order to yield the predictable result of creating more competitive and interesting games, thereby maintaining and/or increasing game playing interest.

Regarding claims 19 and 38: Paulsen discloses that which is disclosed above. Paulsen further discloses that the network server controller is programmed to select a game characteristic from a plurality of game characteristics based upon the first player preferences to provide a game characteristic selection comprising the selected game characteristic (paragraph [0011]), wherein the gaming apparatus controller is programmed to cause the display unit to generate a game characteristic selection display relating to the game characteristic selection (paragraph [0033]), wherein the gaming apparatus controller is programmed to implement a game characteristic from the game characteristic selection in the game that is displayed (paragraph [0011]).

Regarding claims 20 and 32: Paulsen discloses that which is disclosed above. Paulsen further discloses that the gaming apparatuses are interconnected to form a network of gaming apparatuses (paragraph [0062], Fig. 2).

Regarding claim 21: Paulsen discloses that which is disclosed above. Paulsen further discloses that the gaming apparatuses are interconnected via the Internet (paragraph [0062], Fig. 2).

Regarding claim 23: Paulsen discloses that which is disclosed above. Paulsen further discloses that the game characteristic comprises payout tables (paragraph [0013]).

Regarding claim 24: Paulsen discloses that which is disclosed above. Paulsen further discloses that the game characteristic comprises game themes (paragraph [0013]).

Regarding claim 25: Paulsen discloses that which is disclosed above. Paulsen further discloses that the game characteristic comprises a minimum bet (paragraph [0013]).

Regarding claim 26: Paulsen discloses that which is disclosed above. Paulsen further discloses that the game characteristic comprises a game type (paragraph [0013]).

Regarding claims 28 and 35: Paulsen discloses that which is disclosed above. However, Paulsen does not disclose that the controller is further programmed to perform the selection by selecting, based on the comparison, the game characteristic associated with said second player.

Postrel discloses selecting a game associated with the second player (paragraph [0043] – paragraph [0047], players preferences are compared between two players and a game is selected based on the comparison of preferences).

Therefore it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Postrel into the teachings of Paulsen in order to yield the predictable result of creating more competitive and interesting games, thereby maintaining and/or increasing game playing interest.

Regarding claim 34: Paulsen discloses that which is disclosed above. Paulsen further discloses that the network server controller is further programmed to receive game characteristics data relating to game characteristics of the gaming routine, comparing the first player preferences to

the game characteristics data (paragraph [0016] – paragraph [0018]); and comparing of the first player preferences with the game characteristics data (paragraph [0015] – paragraph [0016]).

### ***Response to Arguments***

6. Applicant's arguments filed 05/13/2011 have been fully considered but they are not persuasive.
7. Regarding applicant's arguments that Postrel does not disclose "selecting, based on the comparing, a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of player": The Examiner must respectfully disagree. Postrel discloses comparing the first preference data with the preference data for said players in the plurality of players (paragraph [0043] – paragraph [0047], players preferences are compared between two players and a game routine is selected based on the comparison of preferences (e.g., a game routine selected between a player A and Player B is a separate and different gaming routine than a game routine selected between a player A and player C); and selecting based on the comparing a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players (paragraph [0043] – paragraph [0047], players preferences are compared between at least two players and a game is selected based on the comparison of preferences, i.e., if first player wants a game against a player who is a Republican, the

gaming routine selected would be one with a second player who is a Republican, and therefore the gaming routine is associated with second preference data of a second player in the plurality of players).

8. Regarding applicant's arguments that Postrel does not disclose "selecting, based on the comparing, a game characteristic from a plurality of game characteristics associated with a gaming routine by comparing the first preference data with the second preference data": The Examiner must respectfully disagree. Postrel discloses selecting, based on the comparing, a game characteristic from a plurality of game characteristics associated with a gaming routine by comparing the first preference data with the second preference data (paragraph [0042], i.e., a player's role (game characteristic) is selected based on a comparison of a plurality of players data).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON PINHEIRO whose telephone number is (571)270-1350. The examiner can normally be reached on M-Th: 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/  
Supervisory Patent Examiner, Art Unit 3717

/Jason Pinheiro/  
Examiner, Art Unit 3717